

REMARKS

Reconsideration of the above-identified application in view of the foregoing amendments and following remarks is respectfully requested.

Claim Status

Claims 1-16 are pending in this application and stand rejected. Of the pending claims, claims 1, 2, 3, 9, 15 and 16 are independent in form and are herein amended. No new matter has been introduced.

Claim Rejections – 35 U.S.C. § 102

Claims 1 - 16 are rejected under 35 U.S.C. § 102(b) allegedly as being anticipated by U.S. Patent No. 6,633,390 to Shiode *et al.* ("Shiode"). Applicant respectfully disagrees with the characterization of the claims and prior art in the stated rejection and respectfully traverses this rejection.

The claimed present invention is believed different from Shiode in at least the following respects in that Shiode does not teach or suggest at least such aspects of the present invention as required by the independent claims hereof.

The claims have been amended to more clearly define the subject matter of the present invention. Independent Claims 1, 2, 3, 9, 15 and 16 now more clearly recite the feature that, for detection or calculation of wavefront aberration, the error information related to the position of the pupil plane is used.

As compared therewith, neither Shiode *et al* nor any other documents of record are completely silent as to detecting error information related to the position of the pupil plane. Moreover, there is no disclosure in these documents that may even suggest detecting such error

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in the position of the pupil plane. Accordingly, therefore, none of these documents teaches or suggest detecting or calculating the wavefront aberration by use of such error information.

Thus, Shiode neither discloses or suggests at least this aspect of the claimed present invention.

Applicant respectfully submits that the present invention as recited in independent claims 1, 2, 3, 9, 15 and 16, and the claims depending therefrom, is thus neither anticipated by nor rendered obvious in view of Shiode, taken alone or in combination with other art of record.

Applicant respectfully requests reconsideration and withdrawal of the rejections of claims 1-16 under 35 U.S.C. § 102(b).

Dependent Claims

Applicant has traversed, but not independently addressed the rejections of the dependent claims. Applicant submits that, in view of the amendments to the claims presented herein and, for at least similar reasons as to why the independent claims from which the dependent claims depend are believed allowable as discussed supra, the dependent claims, including new claims 8 and 9 are also believed allowable. Applicant however, reserves the right to address any individual rejections of the dependent claims should such be necessary or appropriate.

Information Disclosure Statement

Applicants concurrently file herewith an Information Disclosure Statement ("IDS"). Applicants respectfully request consideration of the references cited on the accompanying PTO 1449 and that the Examiner indicate such consideration by initialing and returning a copy of the PTO-1449 to Applicants. The IDS is being filed to make of record

references cited in a Japanese Official Action issued during the prosecution of the Japanese counterpart application, serial number 2002-307333.

CONCLUSION

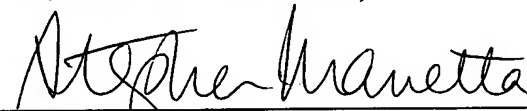
For the above-stated reasons, this application is respectfully asserted to be in condition for allowance. An early and favorable examination on the merits is requested. In the event that a telephone conference would facilitate the examination of this application in any way, the Examiner is invited to contact the undersigned at the number provided.

AUTHORIZATION

A Petition for a One month Extension of Time is filed concurrently herewith, extending the time for responding until April 17, 2006 (pursuant to 37 CFR §1.7 as April 16, 2006 falls on a Sunday). While the petitioned extension of time is believed sufficient, should an additional extension of time be required to render this filing timely, such extension is hereby petitioned, and the Commissioner is hereby authorized to charge any additional fees which may be required for this Amendment, or credit any overpayment, to Deposit Account No. **13-4500**, Order No. 1232-5183.

Respectfully submitted,
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